

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Applicant would like to thank the Examiner for the courtesies extended during the February 4, 2004 interview. Claims 1-39 have been canceled or previously withdrawn. Claims 40-49 have been added. Therefore, claims 40-49 are currently pending in the present application.

The drawings stand objected to for failing to show every feature of the invention specified in the claims. Particularly, the subject matter of claims 7, 18, and 30 is asserted as not being shown in the drawings. These claims have been canceled, thereby rendering the objection moot. Applicants respectfully request that the objection to the drawings be withdrawn.

Claims 22, 24, 26-29, 31-32, and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by embodiment #16 of U.S. Patent No. 4,088,246 to Klingaman ("Klingaman"). Claims 22, 24, 26-29, 31-32, and 34 have been canceled, thereby rendering the rejection of these claims moot. Claims 22, 34, and 36-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by embodiment #10 of Klingaman. Claims 22, 34, and 36-39 have been canceled, thereby rendering the rejection of these claims moot. Claims 1, 3-8, 11, and 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over embodiment #10 of Klingaman in view of U.S. Patent No. 3,517,450 to Greco ("Greco"). Claims 1, 3-8, 11, and 13-15 have been canceled, thereby rendering the rejection of these claims moot. Claims 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over embodiment #10 of Klingaman in view of Greco and further in view of U.S. Patent No. 5,992,698 to Copeland et al. ("Copeland"). Claims 17-21 have been canceled, thereby rendering the rejection of these claims moot. Claims 1 and 9-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over embodiment #16 of Klingaman in view of Greco. Claims 1 and 9-10 have been canceled, thereby rendering the rejection of these claims moot. Claim 33 stands rejected under 35 U.S.C. §103(a) as being unpatentable over embodiment #16 of Klingaman in view of Greco. Claim 33 has been canceled, thereby rendering the rejection of this claim moot. Claim 35 stands rejected under 35 U.S.C. §103(a) as being unpatentable over embodiment #10 of Klingaman in view of Copeland. Claim 35 has been canceled, thereby rendering the rejection of this claim moot.

New claims 40-49 should distinguish over Klingaman, Greco, and Copeland, taken alone or in combination. Claim 40 recites, in part, that “the second diameter of the lid portion is equal to the third diameter of the body portion.” Claim 40 also recites, in part, “a generally cylindrical lid portion of a *constant* second diameter.” In contrast, embodiment #10 of Klingaman teaches an upper portion with a diameter that *changes*. In Klingaman, the diameter is larger at the connection to the lower portion and smaller at the connection to the spray head. See Figure 10. Furthermore, the diameter of the upper portion of Klingaman is not equal to the diameter of the lower portion. See Figure 10. As such, embodiment #10 of Klingaman does not teach “the second diameter of the lid portion is equal to the third diameter of the body portion” or “a generally cylindrical lid portion of a *constant* second diameter” as recited in claim 40 of the present application.

Embodiment #16 of Klingaman also does not teach “the second diameter of the lid portion is equal to the third diameter of the body portion” or “a generally cylindrical lid portion of a *constant* second diameter” as recited in claim 40 of the present application. In addition, embodiment #16 of Klingaman also does not teach, “a generally cylindrical lid portion...being formed with threads along an *inner* surface thereof” as recited in claim 40. Instead, in embodiment #16, Klingaman teaches that the upper portion has threads on an *outer* surface of the upper portion. See Figure 16. Moreover, claim 40 recites, in part, “a generally cylindrical discharge portion...being formed with threads along an outer surface thereof” Embodiment #16 of Klingaman does not teach or suggest a discharge portion and instead shows an upper portion that converges to a tip. See Figure 16. Claim 40 also recites, in part, “a mouth portion...including threads along an *outer* surface thereof.” In contrast, embodiment #16 of Klingaman teaches a lower portion that has threads along its *inner* surface. Accordingly, embodiment #16 of Klingaman does not teach or suggest “the second diameter of the lid portion is equal to the third diameter of the body portion” or “a generally cylindrical lid portion of a *constant* second diameter” as recited in claim 40. Moreover, embodiment #16 of Klingaman also does not teach or suggest “a generally cylindrical lid portion...being formed with threads along an *inner* surface thereof”, “a generally cylindrical discharge portion...being formed with threads along an outer surface thereof”, or “a mouth portion...including threads along an *outer* surface thereof” as recited in claim 40. Furthermore, neither Greco nor Copeland remedy the deficiencies of Klingaman. Greco has merely been cited for the purpose of teaching a label and

Copeland has merely been cited for the purpose of teaching a plastic dispenser. As such, Applicants submit that claim 40 distinguishes over Klingaman, Greco, and Copeland.

Claims 41-49 are directly dependent from claim 40 and should distinguish over Klingaman, Greco, and Copeland for at least the same reasons as stated above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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